

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:	§	
	§	
BRIAN NOEL SABOWITZ AND	§	CASE NO. 10-54466-KING
CATHY ELIZABETH DUNN BLACKWELL,	§	
	§	
Debtors	§	CHAPTER 7

**MOTION TO SELL STOCK IN HORIZON BANCORP, INC.
TO JM PARTNERS LLC FREE AND CLEAR OF LIENS**

TO THE DEBTORS, THEIR CREDITORS AND ALL OTHER PARTIES IN INTEREST:

COMES NOW John Patrick Lowe, the Trustee in this case, and makes and files this Motion, and in support of it respectfully represents to the Court as follows:

1.

Movant is the Trustee in this Chapter 7 case. The petition was filed on November 16, 2010. This Motion is filed by right of 11 United States Code Sections 363 and 704, Federal Rule of Bankruptcy Procedure 6004 and Local Rule 6004.

2.

The Debtors' Schedule B, section 13 at docket number 6 discloses as an asset of the bankruptcy estates stock in Horizon Bancorp, Inc. The stock is evidenced by share certificate number 0057 dated June 30, 2005 issued by Horizon Bancorp, Inc. to Cathy Blackwell and Brian N. Sabowitz for 1,000 shares of common stock. There is no claim of exemption in the stock. The Debtors disclose no liens against or security interests in the stock upon which they place a value of "unknown".

3.

The Trustee contacted Horizon Bancorp, Inc. about the stock and it responded that it does not buy back stock in itself. The stock appears not to be publicly traded. The Trustee listed the stock for sale on the National Association of Bankruptcy Trustee's website and in response received an offer

from JM Partners LLC to pay \$1.00 per share, \$1,000.00 total, to the Trustee for the stock. The Trustee has accepted this offer, subject to the approval of this Court.

4.

The Trustee moves the sale of all of the bankruptcy estates' stock in Horizon Bancorp, Inc. evidenced by share certificate number 0057 dated June 30, 2005 issued by Horizon Bancorp, Inc. to Cathy Blackwell and Brian N. Sabowitz for 1,000 shares of common stock in Horizon Bancorp, Inc. to JM Partners LLC, P.O. Box 29940, Richmond, Virginia 23242-0940 for \$1,000.00 free and clear of any and all liens, claims, security interests and encumbrances with all of such matters, if any, to attach to the sales proceeds.

The Trustee moves that the Court find the purchaser to be a good faith purchaser, find the transaction to have been arms length in nature, and provide the purchaser the benefits available for such transactions under the Code for a fully free and clear transfer of the stock, including, but not limited to Section 363, to find the date of the sale for tax purposes to be the date the Order becomes final and direct Horizon Bancorp, Inc. to record the transfer effective as of that date, to find that the sale is via operation of law and to authorize the Trustee to execute any and all documents required to fully consummate the sale and transfer of the stock, whether such documents are now known or become known or necessary in the future.

5.

There are no broker's fees or commissions due as a result of the proposed sale.

6.

The Trustee estimates that no federal income tax liability will be created as a result of the proposed sale.

WHEREFORE, premises considered, the Movant prays that he be authorized to sell the aforesaid stock, and for such other and further relief as is just.

Dated: September 21, 2011.

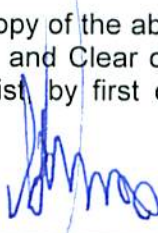
Respectfully submitted,



John Patrick Lowe, Trustee
State Bar No. 12623700
318 East Nopal
Uvalde, Texas 78801
(830) 278-4471
(830) 278-6347 (fax)
Email: johnplowe@sbcglobal.net

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Motion to Sell Stock in Horizon Bancorp, Inc. to JM Partners LLC Free and Clear of Liens, has been mailed to the Debtors, Debtors' attorney, and the attached Service List, by first class mail, postage prepaid, on this the 24 day of September 2011.



Patrick Lowe

SERVICE LIST

Brian Noel Sabowitz
Cathy Elizabeth Dunn Blackwell
1622 Foxberry
San Antonio, TX 78248

William R. Davis, Jr.
Langley & Banack, Inc.
745 E. Mulberry, Suite 900
San Antonio, TX 78212

Judy A. Robbins
US Trustee's Office
615 E Houston, Ste 533
PO Box 1539
San Antonio, TX 78295-1539

First Tennessee Bank National Association
c/o Joshua R. Holden
P.O. Box 2428
Knoxville, TN 37901-2428

Fayette A/C & Sheetmetal
1971 Industrial Blvd
Lake Havasu City, AZ 86403-7605

Today's News-Herald
River City Newspapers, LLC
2225 W. Acoma Blvd
Lake Havasu City, AZ 86403-2907

Horizon Community Bank
223 N. Lake Havasu Ave
Lake Havasu City, AZ 86403

JPMorgan Chase Bank, N.A.
c/o James Ball
Poli & Ball, PLC
2999 N. 44th St #500
Phoenix, AZ 85018-7246

American Express Bank FSB
c/o Becket and Lee LLP
POB 3001
Malvern PA 19355-0701

PYOD LLC its successors and assigns as
assignee Citibank, NA
c/o Resurgent Capital Services
PO Box 19008
Greenville, SC 29602-9008

Key Equipment Finance
1000 S. McCaslin Blvd
Superior, CO 80027-9437

Lake Havasu City
2330 McCulloch Blvd N
Lake Havasu City, AZ 86403-5950

BCMD Holding Company, LLC
1481 Mojave Dr
Lake Havasu City, AZ 86406-8923

Smith-Tryon Family Health, Inc.
c/o Rakhee V. Patel
Pronske & Patel, P.C.
2200 Ross Ave Ste 5350
Dallas, TX 75201-7903

Dr. Donovan Schmidt
c/o Rakhee V. Patel
Pronske & Patel, P.C.
2200 Ross Ave., Ste 5350
Dallas, TX 75201-7903

John and Carol Strnad
c/o Pronske & Patel, P.C.
2200 Ross Avenue, Ste 5350
Dallas, TX 75201-7903

Dr. Elizabeth Smith-Tryon
c/o Rakhee V. Patel
Pronske & Patel, P.C.
2200 Ross Ave., Ste 5350
Dallas, TX 75201-7903

Los Alamos National Bank
c/o Heather Boone
1200 Trinity Dr
Los Alamos, NM 87544-3286

JM Partners, LLC
P.O. Box 29940
Richmond, Virginia 23242-0940

Gary Hollifield
e-mail: garyholl@aol.com

LHB Ventures, LLC
e-mail: lhbvcc@yahoo.com

Robert Sefkow
e-mail: rsefkow@charter.net

Donald Snodgrass
e-mail: tuna_tacos@yahoo.com